

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:18cr19-MHT
	)	(WO)
TRAVYUIS DORAL COKELY	)	

OPINION AND ORDER

This cause is before the court on defendant Travvyuis Doral Cokely's motion to continue trial. For the reasons set forth below, the court finds that jury selection and trial, now set for February 4, 2019, should be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a

judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Cokely in a speedy trial. Defense counsel entered the case in November 2018, but represents that he was hindered in his ability to investigate and prepare the case for trial due to an intervening illness that lasted several weeks and the Christmas and New Years' holidays. Defense counsel

notes that the alleged events at issue occurred in Eufaula, Alabama (approximately an hour and a half away from his base in Montgomery), that he needs additional time to conduct interviews of potential witnesses and otherwise to prepare for trial, and that the government does not oppose a continuance. In light of the above reasons, the court concludes that a continuance is warranted to enable Cokely to prepare effectively for trial.

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Accordingly, it is ORDERED as follows:

(1) Defendant Travvuis Doral Cokely's motion to continue (doc. no. 81) is granted.

(2) The jury selection and trial, now set for February 4, 2019, are reset for March 11, 2019, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 28th day of January, 2019.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE